

REMARKS

Claims 1-3, 8-12, 15-19 and 42 are presented for consideration, with Claim 1 being independent.

Independent Claim 1 has been amended to further distinguish Applicant's invention from the cited art. Additional changes have been made to selected claims. Claims 4-7, 13, 14 and 20-41 have been cancelled.

Claims 1-8, 10, 11, 13, 14, 20, 22-24, 29, 31, 33-38, 40 and 41 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Abe '436 in view of Kawamura '688. Claims 12, 15-17, 21, 25, 26, 30 and 39 are rejected as allegedly being obvious over those patents and further in view of Applicant's admitted prior art Figure 9. Finally, Claims 9, 18, 19, 27, 28 and 32 are rejected as allegedly being obvious over Abe, Kawamura and Nakai '971 (Claims 9 and 32) or Shen '900 (Claims 18, 19, 27 and 28). These rejections are respectfully traversed.

Claim 1 of Applicants's invention relates to a display apparatus comprised of an image signal generating unit for generating an image signal, and an image display element for displaying an image on screen according to the input image signal, with the image display element having a plurality of modulation target units. As amended, Claim 1 recites that when the screen and an image to be displayed are different in aspect ratio, all of the modulation target units substantially within a non-effective image area set at least at upper or lower sides or right or left

sides of the screen are operated a plurality of times from a start of displaying until an instruction to terminate an operation by the user.

Support for the amendments to Claim 1 can be found, for example, on page 25, line 2, *et. seq.*, of the specification. In accordance with Applicant's claimed invention, a high performance image display is capable of suppressing image burn in.

The primary citation to Abe relates to a television receiver capable of displaying text. Abe includes an image display apparatus 131 and an image display element. The Office Action asserts Abe discloses that when a screen is divided into a portion in which an image is displayed and a dark display portion in which no image is displayed, non-dark display is performed in the dark display portion for a predetermined time period. The Office Action acknowledges that Abe does not teach that when the non-dark display is performed, the non-display cannot be recognized by a user.

The secondary citation to Kawamura was cited to compensate for the deficiencies in Abe. Kawamura relates to an image data multiplexing device and was cited for teaching a reversal of a display state performed at a frame rate that cannot be recognized by a viewer.

It is respectfully submitted, however, that neither Abe nor Kawamura is read to teach or suggest, *inter alia*, providing all of the modulation target units substantially within a non-effective area as defined in Applicant's Claim 1 to be operated a plurality of times from the

start of displaying until an instruction to terminate. It is submitted, therefore, that the proposed combination of art, even if proper, still fails to teach or suggest Applicant's claimed invention.

Thus, reconsideration and withdrawal of the rejection of independent Claim 1 under 35 U.S.C. §103 is respectfully requested.

Applicant's admitted prior art Figure 9 is relied upon for teaching a pulse width modulated image signal. Nakai relates to a picture display region discriminating apparatus and was relied upon for performing a non-dark display for a signal corresponding to a low gradation. Finally, Shen relates to a display screen and was cited for its teaching of an LED.

These tertiary citations fail, however, to compensate for the deficiencies in the art discussed above with respect to independent Claim 1. Therefore, without conceding the propriety of combining the art in the manner proposed in the Office Action, such combinations still fail to teach or suggest Applicant's claimed invention. Accordingly, reconsideration and withdrawal of the remaining rejections under 35 U.S.C. §103 are respectfully requested.

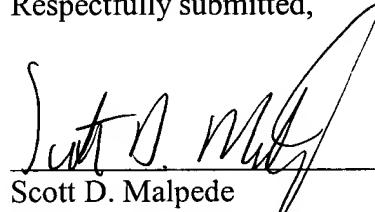
Accordingly, it is submitted that Applicant's invention as set forth in independent Claim 1 is patentable over the cited art. In addition, dependent Claims 2, 3, 8-12, 15-19 and 42 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Appln. No.: 09/888,606

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Scott D. Malpede  
Attorney for Applicant  
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SDM/vmm

DC\_MAIN 226204v1